**AGENDA ITEM NO. 4**

**1.0 EXECUTIVE SUMMARY**

1.1 The application proposes a change of use to provide four gypsy/travellers pitches, including the provision of four single storey day rooms, and hard standing areas.

1.2 The main considerations in determining the application are the existing level of provision and need for sites in the area, the impact on the character and appearance of the surrounding area, residential amenity and highway safety, the sustainability of the site, the possible presence of legally protected species on the site, and drainage and flooding.

1.3 The most up to date information on need in the local area indicates that only 1 further pitch is required in the northern part of the District in the period to 2011. This proposal would exceed that requirement by 3 pitches. In the absence of an established need for the proposed pitches, it is considered unacceptable to allow the proposed development, which would be on land designated as countryside.

1.4 For this reason, it is recommended that the application should be REFUSED.

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**MAIN CASE**

<table>
<thead>
<tr>
<th>Proposal:</th>
<th>Change of use from builders yard &amp; offices to a travellers site with 4 pitches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Builders Yard Hod Hall Lane Haddenham Cambridgeshire</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr M Rugzkiewicz</td>
</tr>
<tr>
<td>Agent:</td>
<td>Mr P Flanders</td>
</tr>
<tr>
<td>Reference No:</td>
<td>08/00965/FUL</td>
</tr>
<tr>
<td>Case Officer:</td>
<td>Sarah Hornbrook</td>
</tr>
<tr>
<td>Parish:</td>
<td>Haddenham</td>
</tr>
<tr>
<td>Ward:</td>
<td>Haddenham</td>
</tr>
<tr>
<td>Ward Councillor/s:</td>
<td>Councillor G Wilson, Councillor Allen, Councillor P Wilson</td>
</tr>
</tbody>
</table>

Date Received: 21 October 2008  Expiry Date: 16th December 2008
2.0 **THE APPLICATION**

2.1 The application seeks permission to change the use of the site to a gypsy/travellers' site, comprising four pitches.

2.2 Each pitch would include a dayroom measuring 6m by 6m. These would be single storey, measuring 3.9m at the ridge and 2.25m at the eaves. An area of hardstanding for siting the caravans would also be provided within each pitch, measuring 5m by 7m, as well as parking for 2 vehicles.

2.3 For clarification, a pitch is a family unit, and may comprise more than one caravan. Whilst it is the current applicant’s stated intention that all four pitches would be occupied by members of the same extended family, the application must be considered on the basis that four separate pitches are proposed as the occupation of each pitch cannot be controlled.

2.4 The site would be privately owned and managed.

3.0 **THE APPLICANT’S CASE**

3.1 The statement provided with the application is attached at Appendix 1, together with letters from the applicant/agent responding to a number of issues raised.

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site, which measures 0.2ha in area, is currently very overgrown, and contains a number of dilapidated buildings, including a row of sheds along the front boundary, and a large brick building at the rear of the site. The site is not in regular use at present, but was last used as a builders yard.

4.2 The site is accessed via Hod Hall Lane, a narrow unmade private track leading east off Lode Way.

4.3 The site is located outside the development envelope, and is therefore designated as open countryside in the Local Plan.

5.0 **PLANNING HISTORY**

5.1 73/00143/FUL – Use of site as builders yard – Approved

5.2 74/00401/FUL – Erection of store shed and offices – Approved

5.3 03/00043/OUT – Conversion of builder’s yard to four residential plots – Refused

6.0 **REPLIES TO CONSULTATIONS**

6.1 **Local Residents**

62 letters of objection received, from: 23 Cherry Orchard; 4 Elizabeth Way; 6, 7a and 15 Froize End; 3 Great Mill View; 67a High Street; 2c Linden End; 1 and 33 Linden
Way; 6, 9, 10, 16, 17, 19, 20, 21, 22, 24, 25, 27, 28, 29, 32, 37, 38, 39, 40, 43, 45
and 47 Lode Way; 24, 7, 9, 10, 11, 12 and 17 Metcalfe Way; 9 Peartree Close; 3 Starlock Close,
Stretham; 12 Berristead Close, Wilburton; 15 Station Road, Wilburton; 17 Martindale
Road, Hemel Hempstead; 48 Cambridge Road, Sawston.

The full text of these letters is available to view on the case file. The main matters
raised include:

- Lode Way is not of a suitable standard to cater for the additional traffic that would
  be generated;
- Hod Hall Lane is not of a suitable standard to cater for the additional traffic that
  would be generated;
- The visibility at the junction of Hod Hall Lane with Lode Way is poor;
- The junction of Froize Lane, Linden Way and Duck Lane is confusing and has
  poor visibility;
- Hod Hall Lane is not strong enough to allow refuse collection lorries to use it –
  how will refuse be collected and the septic tanks emptied?
- Emergency vehicles would not be able to gain access to the site;
- There is no street lighting;
- There are flooding and drainage problems in the area already and the proposed
development will exacerbate this;
- Septic tanks are not suitable, and will cause pollution problems;
- The Doctors’ surgery in Haddenham has no more capacity;
- The primary school in Haddenham is currently over-subscribed;
- Gypsy/traveller sites should come under the same planning rules as houses;
- The applicants are not a local family;
- The proposal will frighten away wildlife such as owls, foxes and deer;
- The site is outside the development envelope and planning permission was
  refused for houses in 2003;
- Surrounding property would be devalued;
- The site is not large enough to accommodate the proposed development, and
  would result in over-spill onto adjacent land;
- The proposal would be visually intrusive and out of character with the area;
- The proposal would generate significant movement, noise, light and smoke;
- The occupiers may be ‘unneighbourly’;
- The proposal may set a precedent for additional pitches on adjacent land;
- Crime levels would increase;
- There is no proven need;
- The application is for 4 pitches, not 4 caravans, and could possibly involve many
  more caravans;
- The proposal would result in a loss of privacy to No. 37 Lode Way and No. 11
  Metcalfe Way;
- Haddenham already has a large quantity of traveller pitches;
- ECDC is guilty of racial discrimination as it is giving an ethnic minority an unfair
  advantage over the rest of the population;
- There is a lack of clarity as to who would manage the site;
- The site may be contaminated.
6.2 Parish Council

Outright refusal recommended for the following reasons:

a) The land is heavy clay and is regularly prone to flooding during at least 75% of the year. Two years ago there was also heavy flooding in Lode Way.

b) All the houses in Lode Way have soak away problems and this would also apply to any properties on this site, which would render septic tanks unsuitable.

c) A mains sewer pipe runs down Hod Hall Lane and heavy lorries would damage it.

d) The access road is not suitable for emergency, refuse and recycling vehicles.

e) The yard has not been used for a long time and should be checked for any contaminated materials that may have been dumped there.

f) A wildlife survey should be carried out.

g) The plan states that the application has local connections and the Parish Council would ask for more information regarding this point as the applicant’s address is in Essex.

6.3 Highways

Hod Hall Lane is unmade and very narrow in width. Conditions are suggested, should consent be granted, to increase the width of lane and to surface the junction with Lode Way to the County Council’s Heavy Vehicle Specification. The traffic generated by the use of the site as a builders yard is likely to be of similar traffic impact to the proposed 4 pitches meaning that it could be considered unreasonable to require anyway highway improvements as part of this consent. ECDC must consider the long-term implications of permitting such development in terms of construction, future maintenance, lighting and surface water drainage of the access road together with refuse collection.

6.4 Environment Agency

We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system in a publicly sewered area but no justification has been provided for this method of foul sewage disposal. We recommend that the application should be refused on this basis.

6.5 Haddenham Conservation Society

It is strongly believed that Bats that are known to frequent the area in quite large numbers in summer may well have a roost and even possibly a breeding nursery somewhere on or around this site.

6.6 Natural England

Based on the information provided, Natural England would suggest that further information is required regarding the potential presence of legally protected species. Although our Area Team does not currently hold up to date species records, the proposed site forms part of a rectangle of what appears to be overgrown plots of land within a wider area of intense agriculture, and may provide suitable habitat for reptiles and nesting birds. Given that the site also lies within 200m of a pond, the site
may provide suitable terrestrial habitat for great crested newts. Furthermore, given
the presence of disused buildings on the site, and Haddenham Conservation
Society’s assertion that bats may be roosting on this site (although no details are
provided to substantiate this claim), there is the potential for bats to be impacted by
the development.

Natural England would therefore recommend that an Ecological Scoping Survey of
the site is undertaken to assess the suitability of the site for legally protected species.

6.7  Environmental Services

Under section 15 of this application the applicant has put 'no' in the 'proposed use
that would be particularly vulnerable to the presence of contamination' box, any
residential property is classed as vulnerable to the presence of contamination and
therefore we would request an appropriate contamination assessment. Other than
that, no issues, but please send out the environmental notes.

7.0  THE PLANNING POLICY CONTEXT

7.1  East Cambridgeshire District Local Plan 2000

1  The guiding principles that underpin the policies within the Plan.
2  Promotion of sustainable communities
9  Development on the edge of settlements and outside development envelopes
    will be strictly controlled with some defined exceptions.
10  Restrictions on development in countryside, with possible infill exceptions
    subject to criteria.
34  Full account will be taken of the need for all development to protect the
    environment within East Cambridgeshire.
37  Refusal where in the opinion of the Environment Agency, adverse affects or
    unacceptable risks to water quality likely.
38  Refusal for new development unless adequate foul sewers and sewage
    treatment works are available in time.
39  Refusal where flood risk could be intensified, flood defences prejudiced or
    floodplain wildlife adversely affected.
54  Refusal if adverse effects likely on habitat unless it can be shown that
    reasons for development outweigh the need for retention.
58  All development must respect the diversity and distinctiveness of local
    communities.
59  Prevent harm to street scene or wider setting of a settlement.
60  Prevent alterations or construction out of character to a building or
    surrounding area.
82  Development in the countryside must respect the landscape character of its
    surroundings.
86  Development in the countryside restricted to that essential for the
    operation of local agriculture and other land management uses where this
    would benefit the economy and maintain the environment
87  Development in the countryside, or on the edges of settlements must relate
    to the local environment and reflect the individual character of the area.
177  Haddenham is a Group Settlement.
7.2 Regional Spatial Strategy – East of England Plan

SS1 Achieving Sustainable Development
H3 Provision for Gypsies and Travellers
ENV7 Quality in the Built Environment
T8 Local Roads

7.3 National Planning Policy

Planning policy guidance statements/notes:

PPS1 Delivering Sustainable Development
PPS3 Housing
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation

Circulars:

ODPM 01/2006 – Planning for Gypsy and Traveller Sites
ODPM 06/2005 – Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System
DETR 03/1999 – Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development

7.4 Other Relevant Documents/Draft Policy


Core Strategy Submission DPD, May 2008 (Policy CS3)

ECDC’s Sub-District Gypsy Needs Assessment, 2007

Cambridge Sub-Region Traveller Needs Assessment, May 2006

8.0 PLANNING COMMENTS

8.1 The key policies against which this application must be considered are policy H3 of the East of England Plan, and ODPM circular 01/2006. The Local Plan originally contained a policy relating to gypsy/traveller sites (policy 31) but this policy was not saved when the Local Plan expired in 2006, and no longer represents valid current policy.

8.2 Policy H3 of the East of England Plan requires Local Authorities to make provision for sites/pitches to meet the identified needs of Gypsies and Travellers living within or resorting to their area. A single issue review of the East of England Plan on the topic of gypsy and traveller accommodation is currently underway, and seeks to establish the number of pitches that will need to be provided by each Planning Authority, by 2011.
8.3 Pitches can be provided either through the allocation of specific sites by the LPA in the Local Development Framework, or by the granting of permissions for privately owned sites. At present, no specific site allocations have been made, as the LDF process has not yet reached this stage.

8.4 Circular 01/2006 provides further advice on the main considerations to be taken into account when determining planning applications such as this one, which include:

- Existing level of provision and need for sites in the area;
- Character and appearance of the surrounding area;
- Residential amenity of nearby occupiers;
- Sustainability;
- Highway safety and access;
- Protected species;
- Drainage and flooding.

Each of these considerations is discussed in turn below.

Need

8.5 The first principle, against which this application must be considered, is whether there is an established need for gypsy/traveller sites in the area. The site is located outside the development envelope of Haddenham, and whilst the Circular allows for gypsy/travellers sites in such areas, contrary to the normal policies of control, such ‘Rural Exceptions’ sites should only be supported where there is a clearly established need.

8.6 The current Single Issue Review of the East of England Plan seeks to establish the level of need within each of the Districts, and when finalised, a new policy (H4) will set out the number of sites that need to be provided in the period 2006-2011. Policy H3 of the East of England Plan advises that, pending the publication of the single issue review, decisions on planning applications should be based on the latest available information on need within the region and local area.

8.7 The latest available information on need in the area is contained within ECDC’s Sub-District Gypsy and Travellers Needs Assessment published in April 2007. This document builds on the Cambridge Sub-Regional Gypsy and Travellers Needs Assessment from 2006. Both of these assessments identify a need to provide between 25 and 45 pitches in the period 2006-2011. The mid-point of this range (i.e. 35) has been put forward in the Single Issue Review of the East of England Plan (draft policy H4), and this figure is endorsed by the Department for Communities and Local Government (DCLG) in their 2007 publication “Preparing Regional Spatial Strategy reviews on Gypsies and Travellers by regional planning bodies”. Consequently, it is concluded that the latest available information on need within the District is 35 pitches in the period 2006-2011.

8.8 The District-wide need has been further broken down in the Sub-District Gypsy and Travellers Needs Assessment. This document sets out the appropriate distribution of pitches between the Northern, Central and Southern parts of the District, based on the current gypsy/traveller population in those areas and the needs likely to arise,
and advises a split of 56%, 18% and 26% respectively. Applying this distribution to the District-wide need to provide 35 pitches indicates that 20 pitches are required in the Northern area, within which Haddenham is located.

8.9 As previously described, this need covers the period 2006-2011, and any pitches granted consent in the period 2006 to present must be subtracted from this figure to give the current level of need.

8.10 To date, planning permission has been granted for 19 pitches in the Northern area:

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Address</th>
<th>No. of pitches</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/00888/FUM</td>
<td>Second Land Parcel Southwest Of Whitecross Farm, Whitecross Road, Wilburton</td>
<td>11</td>
</tr>
<tr>
<td>08/00864/FUL</td>
<td>Blue Bell Way, Hod Hall Lane, Haddenham</td>
<td>1</td>
</tr>
<tr>
<td>08/00497/VAR</td>
<td>Land West Of OS Land Parcel 2300, Grunty Fen Road, Witchford</td>
<td>2</td>
</tr>
<tr>
<td>08/00005/FUL</td>
<td>Highlands, Whitecross Road, Wilburton</td>
<td>4</td>
</tr>
<tr>
<td>07/00268/FUL</td>
<td>Wentworth Travellers Site, Staple Fields, Church Road, Wentworth</td>
<td>1</td>
</tr>
</tbody>
</table>

**TOTAL: 19**

8.11 This reduces the current level of need in the Northern part of the District to 1 pitch in the period to 2011. The current application proposes 4 pitches, which is in excess of the established need. With no clear need, the current proposal, which comprises development in the countryside cannot be supported.

**Character and appearance**

8.12 Whilst the proposed development would clearly alter the appearance of the site, it is considered that it would not have an adverse impact on the character and appearance of the surrounding area.

8.13 There would be sufficient space between the day rooms/hardstandings and the site boundaries to ensure that boundary hedging and trees could either be retained (where appropriate) or planted, to maintain the rural appearance of the site.

8.14 The site itself is not highly visible in the landscape. Views from Lode Way are restricted by the existing development along the frontage of Lode Way. The scale of the proposed day rooms and caravans that would occupy the site is such that they would not be prominently visible in the wider landscape.

**Residential amenity**

8.15 The site is some distance from the dwellings on Lode Way. At the closest point, the site boundary is approx 50m from No. 27, over 60m from No. 29, 60m from No. 31
and over 70m from No. 37 (these distances are measured to the dwellings themselves).

8.16 These separation distances are considered to be more than sufficient to ensure that there would be no adverse impact on the occupiers of the dwellings on Lode Way as a result of the general noise and disturbance likely to be generated by a residential use of the site.

8.17 Again, these separation distances are more than sufficient to ensure that there would not be an unacceptable level of overlooking of surrounding dwellings. Case law makes is clear that in considering overlooking, it is overlooking of internal rooms that is the key consideration. It is usually reasonable to expect that gardens will have at least some private area that is not easily overlooked, but large garden areas, or a field in the case of 37 Lode Way, cannot expect to be protected. In any case, given that the proposed development would be single storey, the degree of visibility beyond the site boundaries from the caravans and dayrooms would be minimal.

8.18 Allegations of anti-social behaviour and criminal damage are merely conjecture and are not a material planning consideration.

Sustainability

8.19 Circular 01/2006 advises that in deciding where to provide for gypsy and traveller sites, local planning authorities should first consider locations in or near existing settlements with access to local services such as shops, doctors and schools.

8.20 The application site is within walking distance (1km) of the centre of Haddenham, which offers a range of services including a post office, several shops, a pharmacy, a library, a doctors’ surgery, a community centre and two pubs. The village also has reasonable public transport links, and a bus service runs through the village 6 days a week, providing access to both Ely and Cambridge. There is also a primary school within the village. The application site is therefore considered to represent a sustainable location, as it would offer access to a good range of services on foot.

Highway Safety and Access

8.21 The Parish Council and many local residents have raised concerns about the suitability of Hod Hall Lane to accommodate the traffic that the proposed development would generate. Hod Hall Lane is very narrow and is not surfaced. It is a private road that is not adopted by the Local Highway Authority.

8.22 When considering the highway safety impacts of a proposed development, an important factor is the existing/authorised use of the site. If a proposal would not increase the level of traffic generation above the level that could be generated by the existing authorised use of the site, then a highway safety objection is difficult to sustain.

8.23 In this case, although the site has not been actively used for a number of years, the implementation of planning permission 73/00143/FUL allowed the use of the site as a builders’ yard. The Highways Development Control Engineer has advised that the level of traffic that would be generated by the use of the site for four gypsy/travellers
pitches would be similar to that generated by a builders yard. Consequently, no objection has been put forward by the Local Highway Authority.

8.24 Issues of maintenance and damage to the lane and any pipes beneath it are a private matter and not a material planning consideration. The lack of street lighting is not a concern, given the rural location of the site.

8.25 Access for emergency vehicles is a matter that falls under the Building Regulations and would be addressed under that legislation.

8.26 On the matter of refuse collection, the applicant has advised that household dustbins would be used and the refuse bagged, as is the normal procedure in the area. These bags would be placed at the end of Hod Hall Lane for collection. This type of arrangement for refuse collection is not uncommon in the District, particularly where developments are served by private roads which are not of sufficient size to allow access for refuse vehicles.

Protected species

8.27 The Haddenham Conservation Society drew attention to the fact that there may be bat roosts within the site, and a number of local residents have also advised that the site currently provides a habitat for wildlife.

8.28 Natural England have advised that a number of legally protected species, including birds, bats and great crested newts may be present on the site. In order to establish whether this is the case, an ecological scoping survey of the site would need to be undertaken.

8.29 The applicants have been advised of this requirement, but given the recommendation being put forward, they have not embarked on this survey.

Flooding and drainage

8.30 The Parish Council and local residents have also raised concerns about the impact of the proposed development on foul and surface water drainage in the area.

8.31 Many of the letters received from local residents indicate that there are significant problems with both surface and foul water drainage in the area at present. The key consideration is whether the proposal itself would give rise to any new adverse effects.

8.32 In terms of surface water drainage and flooding, the site is located in Flood Zone 1 (low risk), as shown on the Environment Agency’s Flood Zone Map. There is therefore no requirement for the applicants to undertake a flood risk assessment. A suitable scheme of surface water drainage would have to be agreed under the Building Regulations, and if surface water would discharge into any surrounding watercourses/ditches, the relevant consents would have to be obtained from the appropriate landowners under separate legislation, that falls outside the remit of the planning system.
Several of the letters of objection state that a previous application for houses on the site was refused because of poor drainage. This is not the case. The refusal reason for that application (03/00043/OUT) made no reference to drainage, and did not cite any policies relating to drainage.

The application originally proposed septic tanks to deal with foul sewage disposal on the site. The Environment Agency objected to this because the site is located in an area where there is a public foul sewer. DETR circular 03/99 and Local Plan Policy 38 stress that the first presumption must always be to provide a system of foul drainage which discharges into a public sewer. Only where it can be shown to the satisfaction of the LPA that a connection to the public sewer is not feasible, for reasons of cost and/or practicability, should non-mains foul sewage disposal solutions, such as septic tanks, be considered.

The applicants have subsequently approached Anglian Water, who have agreed a connection to the public sewer.

The views of the Environment Agency on the proposed connection to the public sewer are currently being sought.

Other matters

Several objections have alleged that the applicant is not local, citing both his surname and address in Essex as evidence of this. The applicant has advised that him and his wife have family who live in Haddenham, Witchford and Wilburton. Circular 01/2006 advises that for rural exceptions sites, such as this one, LPAs should consider in particular the needs of households who are either current residents or have an existing family or employment connection. It is considered that the current applicant would fall within this description. Notwithstanding this point, the circular further advises that LPAs should not refuse private applications solely because the applicant has no local connection.

Devaluation of surrounding property is not a material planning consideration.

Environmental Services have advised that a contamination risk assessment would need to be undertaken if planning permission is granted, and this would address the concerns raised about possible contamination on the site.

Concerns have been raised about the possible number of caravans that could be accommodated on the site, because the application seeks permission for four pitches and does not specify a number of caravans. The number of caravans per pitch could be controlled by condition if permission is granted.

Conclusion

Whilst the site is considered to represent a sustainable location, and the proposal would have no adverse impact on the character and appearance of the area, the
There is no established need for the number of pitches proposed, which would be located on land outside the development envelope. The latest available information on need in the local area indicates that only 1 further pitch is required in the northern part of the District in the period to 2011. This proposal would exceed this requirement by 3 pitches. For this reason the proposal is contrary to policy H3 of the East of England Plan, 2008, and guidance contained within ODPM circular 01/2006, as well as saved policies 9 and 10 of the East Cambridgeshire District Local Plan, 2000, and PPS 7.

APPENDICES

- Appendix 1 – Design and Access Statement and correspondence

<table>
<thead>
<tr>
<th>Background Documents</th>
<th>Location(s)</th>
<th>Contact Officer(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Casefile</td>
<td>Sarah Hornbrook</td>
<td>Sarah Hornbrook</td>
</tr>
<tr>
<td>Policy documents listed in section 7</td>
<td>Room No. 011 The Grange Ely</td>
<td>Planning Officer 01353 665555 <a href="mailto:sarah.hornbrook@eastcambs.gov.uk">sarah.hornbrook@eastcambs.gov.uk</a></td>
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</tbody>
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